

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:	:	Examiner: <b>J. W. Van Bramer</b>
<b>Fravel</b>	:	
	:	Group Art Unit: <b>3622</b>
Serial No.: <b>10/041,959</b>	:	
	:	Date: <b>April 4, 2008</b>
Filed: <b>January 10, 2002</b>	:	

**FOR: SYSTEM AND METHOD FOR ELECTRONICALLY GENERATING, CLIPPING  
AND REDEEMING COUPONS**

Mail Stop - Amendment  
Commissioner of Patents and Trademarks

**APPEAL BRIEF OF APPLICANT**

Sir:

Having previously filed a Notice Of Appeal, the Applicant herein timely files this Appeal Brief in accordance with 37 C.F.R. 41 et seq.

**I. REAL PARTY IN INTEREST [37 CFR §41.37(c)(1)]**

The subject application is not assigned. As such, the Real Party in Interest is the Applicants Kevin Fravel.

## **II. RELATED APPEALS AND INTERFERENCES [37 CFR §41.37(c)(2)]**

No other related application is currently subject to an Appeal or Interference.

### **III. STATUS OF CLAIMS [37 CFR §41.37(c)(3)]**

Claims 1 - 15 are pending in this application.

Claims 1 - 15 stand as finally rejected by the Examiner.

The claims on Appeal are Claims 1 – 15.

### **IV. STATUS OF THE AMENDMENTS [37 CFR §41.37(c)(4)]**

The last amendment filed by the Applicant was entered on July 02, 2007. No other amendments were filed.

### **V. SUMMARY OF THE CLAIMED SUBJECT MATTER [37 CFR §41.37(c)(5)]**

The rejected claims contain two independent claims, which are Claim 1 and Claim 6. Claims 2-5 depend from Claim 1. Claims 7-15 depend from Claim 6.

#### **Claim 1**

Claim 1 sets forth a paperless method of posting and redeeming coupons. *(See Claim 1)* In accordance with the claimed method, registered manufacturers (16, Fig. 1) post electronic coupons in a database (12, Fig. 1) that is accessible through an Internet website (20, Fig. 1). *See methodology for posting coupon expressed in Fig. 4.* Registered customers (14, Fig. 1) are provided with an account that provides them access to the posted electronic coupons. *See methodology of customer access expressed in Fig. 2.* Using the website (20), a consumer (14) can select various electronic coupons. *See selection methodology expressed by Fig. 3.* The selected electronic coupons are added to an electronic account assigned to that consumer. *See Fig. 2, Block 58.*

The method utilizes electronic coupons. *See Block 40, Fig. 2 and Fig. 3.* The coupons never physically exist and are never printed on paper. *See Specification, page 15, top paragraph.* The only place that the electronic coupons can ever be viewed is on the access website. *See Specification page 9, 2<sup>nd</sup> paragraph.*

To redeem the electronic coupons, a consumer shops in a retail store. *See Fig. 2, Block 52.* Upon check out, the consumer provides the retail store with an account number. *See Fig. 2, Block 54.* The retail store creates a telecommunications link with the database (12). *See Fig. 2, Block 58.* Information about electronic coupons in the consumer's account is forwarded to the retailer. *See Fig. 2 Block 60.* The retailer honors the coupon as if it were a traditional paper coupon.

#### Claim 6

Claim 6 sets forth a method where a website (20, *Fig. 1*) is provided so that manufacturers can post electronic coupons and consumers can select posted electronic coupons. *See Claim 6, first claimed method step.* A database (12, *Fig. 1*) is provided that stores electronic coupons selected by consumers. A telecommunications link is established between a retailer and said database (12) when a consumer purchases a product from that retailer. *See Fig. 2, Block 58 and corresponding description on page 11, lines 3-20.*

Data regarding an electronic coupon selected by a consumer is downloaded from the database (12) to the retailer over the link if the consumer is purchasing a product for which that consumer has previously selected an electronic coupon. The coupon is then honored by the retailer. *See Fig. 2, Block 58 and corresponding description on page 11, lines 3-20.*

#### VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL [37 CFR §41.37(c)(6)]

The grounds of rejection to be reviewed on appeal are as follows:

1. Whether the Examiner erred in rejecting Claims 1-3, 5-10 and 12-15 under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,905,246 to Fajkowski.

**2. Whether the Examiner erred in rejecting Claims 4 and 11 under 35 USC 103(a) as being unpatentable over Fajkowski.**

**VII. ARGUMENTS. [37 CFR §41.37(c)(7)]**

**GROUND 1 - Whether the Examiner erred in rejecting Claims 1-3, 5-10 and 12-15 under 35 USC 102(b) as being anticipated by U.S. Patent No. 5,905,246 to Fajkowski.**

The rejected claims contain two independent claims, which are Claim 1 and Claim 6. Claim 1 and Claim 6 have been amended and are believed to be fully distinguishable over the cited prior art combination for the reasons presented below.

**Claim 1**

Claim 1 sets forth a paperless method of posting and redeeming coupons. In accordance with the claimed method, registered manufacturers post electronic coupons in a database that is accessible through an Internet website. Registered customers are provided with an account that provides them access to the posted electronic coupons. Using the website, a consumer can select various electronic coupons. The selected electronic coupons are added to an electronic account assigned to that consumer.

It is important to note that the method utilizes electronic coupons. The coupons never physically exist and are never printed on paper. The only place that the electronic coupons can ever be viewed is on the access website.

To redeem the electronic coupons, a consumer shops in a retail store. Upon check out, the consumer provides the retail store with an account number. The retail store creates a telecommunications link with the database. Information about electronic coupons in the consumer's account is forwarded to the retailer. The retailer honors the coupon as if it were a traditional paper coupon.

This method of posting, selecting and redeeming electronic coupons is unique and is not taught or suggested by the prior art references cited by the Examiner.

**The Fajkowski patent** discloses a system for converting paper coupons into an electronic format. The Fajkowski patent utilizes complex electronic assemblies that are referred to as “coupon cards” in the patent. The coupon card contains a microprocessor (25), a memory (23), an LCD screen (3) and an optical scanner (10). It will therefore be understood that the “coupon cards” of the Fajkowski patent are very much like laptop computers.

Consumers buy the complex coupon card assemblies. Using the optical scanner contained within the coupon card assembly, a consumer optical scans and stores traditional printed coupons. (See Fajkowski, column 8, lines 33-36, and Column 11, second paragraph). The information is stored in the memory of the coupon card assembly. When a consumer is checking out, the coupon card assembly is directly linked to the cash register. The scanned coupons are download and are then credited. (See Fajkowski, column 15, second paragraph).

The present invention being claimed is a paperless system where coupons never need to be printed and then scanned into a computer. Rather, the coupons are electronically generated, electronically selected and electronically redeemed. This system is not disclosed by the cited Fajkowski patent. More specifically, as applied to the wording of Claim 1, the Fajkowski patent fails to disclose

***“providing a website where said registered manufacturers post electronic coupons and said registered consumers select from said electronic coupons, wherein said electronic coupons selected by said registered consumers are assigned to consumer accounts for those consumers in said database”***

In the Fajkowski patent, there is no disclosure of the use of a website where manufactures post electronic coupons. Rather, it clearly states in the Fajkowski patent that printed coupons (paper coupons) are scanned into the coupon card assemblies. Furthermore, since the printed coupons are scanned into electronic format, the Fajkowski patent makes no disclosure of customers selecting electronic coupons through an internet website.

In the arguments of the Examiner’s Office Action, the Examiner states that the use of the

Internet is disclosed in the Fajkowski patent. The Examiner cites Fajkowski, column 6, second paragraph as proof. This section of the Fajkowski patent states that coupons can be download from the internet *“via the disk drive of a conventional computer.”* See Fajkowski, column 6, lines 22-23. In other words, a coupon scanned into a conventional computer can be sent as an attachment to the coupon card assembly. The coupon need not be scanned directly into the coupon card assembly.

It is known that scanned files can be sent as attachments over the internet from one computer to another. However, the Fajkowski patent makes absolutely no disclosure of a website where electronic coupons are posted and then can be electronically selected. The Fajkowski patent therefore fails to disclose the method step being claimed.

In the final office action, dated September 5, 2007, on page 9, section 6, entitled “Response To Applicant”, the Examiner states that Fajkowski in Col 29, lines 45-67 shows a website where electronic coupons are posted and selected.

This statement is wrong.

The two paragraphs of Col 29 that contain lines 45-67 of the Fajkowski patent are reproduced below. The full paragraphs are presented so that the cited lines can be read in context. Lines 45-67 are italicized for easy identification.

The information compiled by clearinghouse 300 from the many local servers 200 will be used to generate at least two types of reports. The first type of report will be a compilation for an entire chain of stores (such as a supermarket chain) of the total amount of redemptions for the chain and the amount of redemptions for each store in the chain. This allows the store chain to determine what amounts the manufacturers of the couponed products owe to the store chain for that period and how these proceeds should be distributed among the various outlets. The second type of report will be a compilation of what redemption amounts a manufacturer owes each supermarket chain, thereby allowing the manufacturer to reimburse the store chain. Because redeemed coupon data is transmitted by modem to clearinghouse 300, information concerning amounts owed by manufacturers to retailers may be distributed to the parties with a minimum of delay and allow prompt repayment by the manufacturers. This is of great importance to retailers since discounts given by a retailer to redeem a manufacturer's coupons are in effect an extension of credit to the manufacturer. In the case where the coupon card service provider charges the customer a transactional fee for using coupon card 1, the

retailer would normally collect the fees and would then be the entity to have temporary use of these funds. An additional advantage derived from the compiling of redemption data is the ability to generate very specific *redemption rate statistics*. *Not only may the statistics be generated on a national basis, but may be also be broken down into regional, state, county, city or zip code based statistics.*

*Another function of clearinghouse 300 will be to maintain a database of redemption requirement data for all coupons offered and all coupons to be offered by manufacturers and retailers. This information will be obtained from manufacturers and retailers when they register with the provider of the coupon card services. Clearinghouse 300 will periodically transmit redemption requirement data for future coupons to periphery devices 100 through local servers 200. From periphery device 100, the updated redemption requirement data can be entered into coupon card 1 of customers even before the **paper coupons** are published. Thus when the **paper coupons** are published and the bar codes appearing thereon are scanned into coupon card 1, the redemption requirement data will appear on the display screen 3 of coupon card 1 and the customer will be allowed to manipulate the coupon record as described above.*

As can be seen from above, the cited section of the Fajkowski patent states that the Fajkowski system maintains a database that contains ‘redemption requirement data’ for coupons both being offered and to be offered in the future. The Fajkowski system clearly does not use electronic coupons. It merely maintains the redemption value of coupons in clearinghouse database so that paper coupons can be quickly identified when scanned. Even the section Fajkowski patent cited above by the examiner refers to coupons as being “paper coupons”.

The Fajkowski patent makes no disclosure of a system or method that uses electronic coupons. Since a website containing posted electronic coupons is claimed in Claim 1, it is clear that the Fajkowski patent fails to anticipate the matter set forth in Claim 1. It is therefore respectfully requested that the Examiner ‘s 35 USC 102 rejections be withdrawn as applied to Claim 1 and its dependent claims.

#### **Claim 6**

Claim 6 sets forth a method of posting, selecting and redeeming electronic coupons. Claim 6 specifically claims the method step of :

*“providing a website where manufacturers post electronic coupons and consumers select posted electronic coupons;”*

As has been previously stated, in the Fajkowski patent there is no disclosure of the use of a website where manufactures post electronic coupons. Rather, it clearly states in the Fajkowski patent that printed coupons (paper coupons) are scanned into the coupon card assemblies. Furthermore, since the printed coupons are scanned into electronic format, the Fajkowski patent makes no disclosure of customers selecting electronic coupons through an internet website.

Since this matter is claimed in Claim 6, it is clear that the Fajkowski patent fails to anticipate the matter set forth in Claim 6. It is therefore respectfully requested that the Examiner's 35 USC 103 rejections be withdrawn as applied to Claim 6 and its dependent claims.

#### **CONCLUSION**

The Applicant's brief is believed to be in full compliance with 37 C.F.R. §41.37 et seq. The Examiner's 35 U.S.C. §103 and §102 rejections are not supported by the cited references. The Board is therefore requested to cause the Examiner to remove the rejections and allow the pending claims.

Respectfully Submitted,

/Eric LaMorte/

Eric A. LaMorte  
Reg. No. 34,653  
Attorney for Applicant

LaMorte & Associates, P.C.  
P.O. BOX 434  
Yardley, PA 19067



**VIII. CLAIMS APPENDIX [37 CFR 41.47(c)(8)].**

The pending claims stand as follows:

1. A method, comprising the steps of:

providing a database;

registering manufacturers who provide electronic coupons for their manufactured goods in said database, wherein each registered manufacturer is provided with a manufacturer's account;

registering retailers who sell said manufactured goods in said database, wherein each registered retailer is provided with a retailer's account;

registering consumers who may buy said manufactured goods in said database, wherein each registered consumer is provided with a numbered consumer account and an account card that contains said numbered consumer account;

providing a website where said registered manufacturers post electronic coupons and said registered consumers select from said electronic coupons, wherein said electronic coupons selected by said registered consumers are assigned to consumer accounts for those consumers in said database;

establishing a telecommunications link between a registered retailer and said database when a registered consumer purchases a product at a registered retailer and submits said account card at checkout, wherein data is exchanged through said link that determines if the consumer has previously selected an electronic

coupon for said product at said website; and

discounting said product at the registered retailer if said electronic coupon for said product is present in the consumer account for that consumer.

2. The method according to claim 1, wherein said step of establishing a telecommunications link includes providing a card reading machine at each of said registered retailers, wherein each said card reading machine reads a consumer account from said account card and queries said database regarding selected electronic coupons in that consumer account.

3. The method according to claim 1, further including the step of charging each registered manufacturer who posts an electronic coupon on said website.

4. The method according to claim 3, wherein said step of charging each registered manufacturer includes charging each registered manufacturer a fee proportional to how many electronic coupons posted by that registered manufacturer are selected by consumers.

5. The method according to claim 1, further including the step of reimbursing registered retailers for electronic coupons redeemed using consumer account cards.

6. A method comprising the steps of:

providing a website where manufacturers post electronic coupons and consumers ~~can~~ select posted electronic coupons;

providing a database that stores electronic coupons selected by consumers;

establishing a telecommunications link between a retailer and said database when a consumer purchases a product from that retailer; and

downloading data regarding an electronic coupon selected by a consumer from said database to said retailer over said link if said consumer is purchasing a product for which said consumer has previously selected an electronic coupon at said website, wherein said retailer can honor said coupon.

7. The method according to claim 6, further including the step of registering consumers who want to select electronic coupons from said website and providing each registered consumer with a card.

8. The method according to claim 7, wherein said step of establishing a telecommunications link includes the sub-steps of:

providing a card reading machine capable of exchanging data with said database; and

scanning said card of a consumer through said card reading machine.

9. The method according to claim 8, wherein said step of

downloading data includes the sub-steps of:

downloading data regarding an electronic coupon to said card reading machine;

exchanging said data between said card reading machine and a cash register;

comparing said coupon to products being purchased by a consumer; and

deducting a coupon value if a coupon corresponds to a product being purchased.

10. The method according to claim 6, further including the step of charging each manufacturer who posts an electronic coupon on said website.

11. The method according to claim 10, wherein said step of charging each manufacturer includes charging each manufacturer a fee proportional to how many electronic coupons posted by that manufacturer are selected by consumers.

12. The method according to claim 6, further including the step of reimbursing retailers for electronic coupons redeemed.

13. The method according to claim 6, further including the step of registering manufacturers who provide electronic coupons for their products in said database, wherein each registered manufacturer is provided with a manufacturer's account and

enabling only registered manufactures to post electronic coupons at said website.

14. The method according to claim 13, further including the step of registering retailers who sell said products of said registered manufacturers, wherein each registered retailer is provided with a retailer's account and enabling only registered retailers the ability to redeem said electronic coupons.

15. The method according to claim 13, further including the step of registering consumers, wherein each registered consumer is provided with a numbered consumer account and an account card that contains said numbered consumer account.

**IX. EVIDENCE APPENDIX [37 CFR 41.37(c)(1)(ix)].**

There is no evidence submitted under 37 CFR 1.130, 1.131 or 1.132 or any other evidence relied upon by the applicant

**X. RELATED DECISION APPENDIX [37 CFR 41.37(c)(1)(x)]**

There are no decisions by a court or the Board relevant to this appeal.